

REMARKS

In response to the above-identified Office Action, Applicants amend the application and seek reconsideration thereof. In this response, Applicants do not amend or cancel any claims. Applicants do not add any new claims. Accordingly, Claims 1, 2 and 16-21 are pending.

I. Claims Rejected Under 35 U.S.C. §102(e)

The Examiner rejects Claims 1, 2, 18 and 19 under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,180,519 to Kuroi, et al. ("Kuroi").

Applicants first note that Kuroi was filed on July 17, 1998, which was after the June 30, 1998 filing date of U.S. Patent Application No. 09/107,604, which forms the basis for a claim of domestic priority for the currently pending claims. The amendment submitted herewith satisfies the requirements of 37 C.F.R. § 1.78. In this regard, Applicants note that the time periods set forth in 37 C.F.R. § 1.78(a)(2)(ii) do not apply here since the instant application was filed before November 29, 2000. Therefore, the earlier filing date of June 30, 1998 applies as the priority date for the instant application. Thus, Kuroi does not qualify as a 102(e) reference. Accordingly, Applicants respectfully request withdrawal of the rejection of Claims 1, 2, 18 and 19.

not
true,
look at
related US
application data

II. Claims Rejected Under 35 U.S.C. § 103(a)

The Examiner rejects Claims 16, 17, 20 and 21 under 35 U.S.C. 103(a) as being obvious over Kuroi.

As outlined above, Kuroi does not qualify as prior art for the pending claims of the instant application. Therefore, Kuroi cannot be properly used to maintain an obviousness rejection over the pending claims. Accordingly, Applicants respectfully request withdrawal of the rejection of Claims 16, 17, 20 and 21.

CONCLUSION

In view of the foregoing, it is believed that all claims now pending (1) are in proper form, (2) are neither obvious nor anticipated by the relied upon art of record, and (3) are in condition for allowance. A Notice of Allowance is earnestly solicited at the earliest possible date. If the Examiner believes that a telephone conference would be useful in moving the application forward to allowance, the Examiner is encouraged to contact the undersigned at (310) 207-3800.

If necessary, the Commissioner is hereby authorized in this, concurrent and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2666 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17, particularly, extension of time fees.

Respectfully submitted,

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CERTIFICATE OF TRANSMISSION:

I hereby certify that this paper is being facsimile transmitted to the U.S. Patent and Trademark Office on September 16, 2003.

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